

Remarks

The Examiner is thanked for his time during the multiple telephonic interviews with Jason Eisenberg on August 19, 2004.

Reconsideration of this Application is respectfully requested.

Claims 9, 12-26, and 28 have been cancelled without prejudice or disclaimer. Applicant reserves the right to prosecute the canceled or broader claims in a continuation application. Claims 1-6, 11, and 27 have been amended. Thus, claims 1-11 and 27 are now pending, with claim 1 being the sole independent claim. No new matter has been added.

Based on the above amendment and following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Claims Objections

Claims 2-3 were objected to because claim 1 recites “reflective devices” and claims 2 and 3 recited “reflective elements.” Claims 2 and 3 have been amended to recited “reflective devices.” Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw this objection.

Rejections under 35 U.S.C. § 102(b) and 103(a)

Claims 1, 2, 9, and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,249,370 to Takeuchi et. al. (“Takeuchi”). Claims 3-5, 7, 8, 11, and 27 were rejected under 35 U.S.C. § 103(a) (“103”) as being unpatentable over Takeuchi in view of U.S. Patent No. 6,549,694 to Makino et al. (“Makino”). Claim 6 was rejected under 103 as being unpatentable over Takeuchi in view of U.S. Patent No. 6,639,722 to Amm et al. (“Amm”). Applicant respectively traverses these rejections.

Applicants believe the rejection of claim 9 is moot based on the canceling of this claim.

Claim 1 recites at least a solid and substantially rigid substrate.

Takeuchi teaches that in order for their actuator elements 14 to operate, a substrate 22 is required to have thin walled hollow portions 24 that function as vibrating sections 26 and thick-walled fixed portions 28 that support the vibrating sections 26. (See, e.g., Takeuchi at Col. 7, lines 44-50). This requirement of the substrate 22 having both thin walled sections 24 and thick walled sections 28 is taught as being necessary for all embodiments of Takeushi's invention. Takeishi does not teach or suggest the solid and substantially rigid substrate recited by amended claim 1.

None of the other applied patents cure this deficiency in Takeushi because, even assuming one or more of the applied patents teaches of a solid substrate, replacing the specific substrate structure taught in Takeushi with a solid substrate would destroy Takeushi's teachings and make Takeushi's invention inoperable. This is because Takeushi's invention requires hollow portions 24 in substrate 22 to function, as is described throughout the specification of Takeushi.

Accordingly, the Applicants respectfully request that the Examiner reconsider and withdraw this rejection and find claim 1 allowable over the applied patents. Also, based at least on their dependency from claim 1, claims 2-8, 10-11, and 27 should also be found allowable over the applied patents.

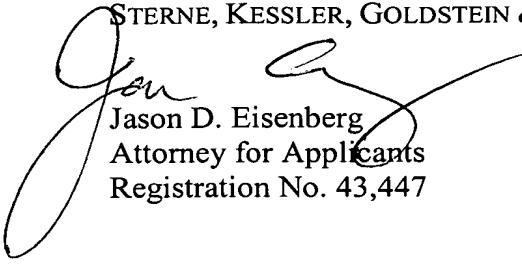
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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